

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2015 MAR 20 AM 9:50

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

DEPUTY CLERK RAN

Oscar Lee Cartwright Jr. # 14058893

Plaintiff's name and ID number

Dallas Co. Jail, P.O. Box 660334

Dallas, Texas 75266-0334

Place of Confinement

Case No. **3-15CV-0889D**
(Clerk will assign the number)

v.

Dallas County Sheriff's Office
111 W. Commerce St., Dallas, Texas, 75208
Defendant's name and address

Sheriff Lupe Valdez, Individually and Official Capacity
Defendant's name and address 111 W. Commerce St.
Dallas, Texas 75208

Defendant

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked **"NOTICE TO THE COURT OF CHANGE OF ADDRESS"** and shall not include any motion (s) for any other relief. Failure to file a **NOTICE TO THE COURT OF CHANGE OF ADDRESS** may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES ☒ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: N/A
2. Parties to previous lawsuit:
Plaintiff(s) N/A
Defendant(s) N/A
3. Court: (If federal, name the district; if state, name the county.) N/A
4. Docket Number: N/A
5. Name of judge to whom case was assigned: N/A
6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Dallas County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES ☒ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Oscar Lee Cartwright JR #14058893
Dallas County Jail
P.O. Box 660334
Dallas, Texas 75266-0334

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Dallas County Sheriff's Office
111 W. Commerce St., Dallas, Texas 75208

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

unlawfully held plaintiff in custody without arraignment, charges being filed, no opportunity to receive counsel and bail not assessed for 117 days.

Defendant #2: Sheriff Lupe Valdez, DCSO, individually and officially
111 W. Commerce St., Dallas, Texas 75208

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

unlawfully held plaintiff in custody without arraignment, charges being filed, no opportunity to receive counsel and bail not assessed for 117 days.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT. Plaintiff state that Dallas County Sheriff's Office and

Sheriff Lupe Valdez held him in custody for 117 days without due process, arraignment, being formally charged, and given the opportunity to seek appointed counsel and make bail. Plaintiff turned himself into custody on October 3, 2014 after learning that a Complaint had been filed against him. Plaintiff was booked and processed in by Dallas County Sheriff's Office ("DCSO"). Not long afterwards plaintiff was taken and assigned to an housing without arraignment, formally charged with an offense, due process, bail, and given an opportunity to get an appointed attorney. Plaintiff was not brought before a Magistrate until January 28, 2015 in which he was arraigned, formally charged, assessed a bond, and asked whether he needed an attorney. This took place before Magistrate Hal Turley. After 72 hours in custody and no formal charges, arraignment, bond, or other due process given, plaintiff should have been released from custody per County Release

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Award Compensatory Damages \$15,000; Punitive Damages \$30,000 and Declaratory Relief.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Oscar Cartwright

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

1756319 ~~1756319~~ and 2 others unknown

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case Number: NIA

3. Approximate date sanctions were imposed: NIA

4. Have the sanctions been lifted or otherwise satisfied?

☐ YES ☐ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division):

2. Case Number: N/A

3. Approximate date warnings were imposed: N/A

Executed on: 3/16/15
DATE

X Oscar S. Cartwright Jr

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 16th day of MARCH, 2015.
(Day) (month) (year)

X Oscar S. Cartwright Jr

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

STATE OF TEXAS

§

COUNTY OF DALLAS

§

Oscar Lee Cartwright
#14058893

AFFIDAVIT OF INDIGENCY

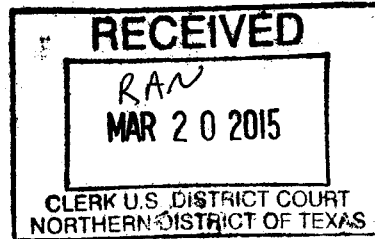
BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, who, being by me duly sworn on an oath deposed and wrote the following affidavit, and averred that every statement contained in this affidavit is within his/her personal knowledge and is true and correct.

"I am the affiant in this matter and am currently confined in the Dallas County Jail. I do not have the financial resources necessary to pay the required fees, costs, or bonds associated with this matter.

I have no current source of income and have no financial reserves in the form of bank accounts, savings accounts, certificates of deposit, or any other financial instruments that I can draw upon to obtain the required funds in this matter. I certify that I am wholly without the financial resources to pay the monies required in this matter."

Oscar Lee Cartwright *OK*
Affiant

March 16, 2015



Dear
Clerk

Enclosed Please find One original and one copy
of 42 U.S.C. § 1983 forms with Affidavit of Indigency.
Please file these documents at your earliest convenience.
Thanks!

Sincerely,

Oscar Lee Cartwright

Oscar Lee Cartwright

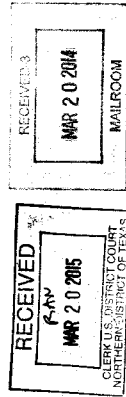
#14058893

Dallas Co. Jail

P.O. Box 660334

Dallas, Texas 75266-0334

Oscar Lee Cartwright # 14058893
Dallas Co. Jail
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U.S. District Court
Office of the Clerk Rm 1452
1100 Commerce St.
Dallas, Texas 75242

